

City Council Introduction: **Monday**, June 27, 2005
Public Hearing: **Monday**, July 11, 2005, at **1:30 p.m.**

Bill No. 05-88

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 05041**, from O-3 Office Park District to B-2 Planned Neighborhood Business District, requested by Olsson Associates on behalf of Pioneer Woods, LLC, on property generally located at South 70th Street and Pioneers Blvd.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 06/08/05
Administrative Action: 06/08/05

STAFF RECOMMENDATION: Approval

RECOMMENDATION: Approval (7-0: Carlson, Carroll, Krieser, Larson, Pearson, Sunderman and Taylor voting 'yes'; Esseks and Bills-Strand absent).

ASSOCIATED REQUEST: Use Permit No. 130A (05R-139)

FINDINGS OF FACT:

1. This change of zone and the associated Use Permit No. 130A were heard at the same time before the Planning Commission.
2. The purpose of this change of zone request is to expand the B-2 zoning to allow an 85-room hotel.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4-5, concluding that the O-3 zoning and use permit limited development to office uses. The proposed hotel represents no significant additional impact upon the neighborhood compared to office uses, and is a compatible use on this site. This change of zone request is appropriate provided the associated use permit amendment is also approved.
4. On June 8, 2005, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On June 8, 2005, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval.
6. On June 8, 2005, the Planning Commission also recommended conditional approval of Use Permit No. 130A.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 20, 2005

REVIEWED BY: _____

DATE: June 20, 2005

REFERENCE NUMBER: FS\CC\2005\CZ.05041

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 8, 2005 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for the use permit application.

PROJECT #: **Change of Zone #05041**

Use Permit #130A

PROPOSAL: To change the zoning from O-3 Office Park to B-2 Planned Neighborhood Business to allow an 85-room, four-story hotel, with requests to adjust rear yard setbacks and maximum allowed height.

LOCATION: South 70th Street and Pioneers Blvd

LAND AREA: CZ#05041 - 1.73 acres more or less.
UP#130A - 20.4 acres more or less.

CONCLUSION: The O-3 use permit (UP#144) limited development to office uses. The proposed hotel represents no significant additional impact upon the neighborhood compared to office uses, and is a compatible use on this site. The change of zone request is appropriate provided the associated use permit amendment is also approved.

RECOMMENDATION:

CZ#05041

UP#130A

Approval

Conditional Approval

Waivers: Adjust rear setback
Maximum height

Approval
Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal descriptions.

EXISTING ZONING: O-3 Office Park

PROPOSED ZONING: B-2 Planned Neighborhood Business

EXISTING LAND USE: The B-2 is mostly developed, the O-3 is undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped, Antelope Creek	O-3, R-3
South:	Commercial, Undeveloped	B-1, B-2, O-3
East:	Undeveloped, Antelope Creek	R-3
West:	Cemetery	B-1, R-1

HISTORY:

August 26, 2002 - Use Permit #144 was approved for 105,000 square feet of office floor area.

April 9, 2001 - Use Permit #130 was approved for 142,000 square feet of commercial/restaurant/retail space on the northeast corner of S. 70th & Pioneers Boulevard.

October 18, 2000 - CZ#3263 (to B-2) and Pioneer Woods Preliminary Plat #00016 were approved.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The Land Use Plan designates this site as commercial.

Page F40 - General Principles for All Commercial & Industrial Uses

Commercial and industrial districts in Lancaster County shall be...

- outside of... floodplain areas
- accessible by various modes of transportation

Page F44 - Guiding Principles for Commerce Centers

Commerce Centers shall be designed and constructed to meet the intent of the environmental resources section of this plan. These centers shall in themselves include green space and enhance green space separation, where possible, among communities and mixed use areas.

Strip commercial development is discouraged. Commerce Centers should not develop in a linear strip along a roadway nor be completely auto oriented.

Commercial locations should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles. Centers should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points.

Commerce Centers should have convenient access to the major roadway system and be supported by roads with adequate capacity.

Physical linkages (i.e., sidewalks, trails, roads) should be utilized to directly connect Commerce Centers with adjacent development, although undesirable traffic impacts on adjacent residential areas should be avoided or minimized.

Page F97, 98- Pedestrians

The sidewalk system should be complete and without gaps. The pedestrian network in shopping centers should be integrated with adjacent activities.

Pedestrians should be able to walk in a direct path to destinations like transit stops, schools, parks, and commercial and mixed-use activity centers.

Activity Corridors and Centers - Directness and safety for pedestrians going to, from, and within these corridors and centers should be stressed.

Page 102 - Bicycles and Trails

Existing Areas - Extend the bicycle and trails system into the new neighborhoods as the city grows. Connections should be made to schools, parks, and other activity areas.

Developing Areas - Encourage minimum bicycle and trails standards for private developments to provide bicycle and trails facilities connecting key destinations such as schools, parks, and activity centers.

Consider the location and alignment of trails in reviewing development applications. Request that the platform for trails be graded in conjunction with the associated development.

UTILITIES: All utilities are available to serve this area.

ANALYSIS:

1. This request is a change of zone from O-3 to B-2, and is associated with UP#130A for an 85-room hotel with requests to adjust the rear yard setback from 50' to 30', and to the maximum allowed height from 40 to 45'.
2. The Comprehensive designates commercial land uses in this area, and the proposed hotel is consistent with that designation.
3. There are two approved use permits in this area. UP#130 allows 142,000 square feet of floor over the B-2 portion of the site, and UP#144 allows 105,000 square feet of office space over the O-3 portion. This request expands the B-2 zoning and UP#130 and decreases the O-3 and UP#144.
4. The O-3 provides a buffer between the B-2 and the open space/residential to the east, and allows only office uses. The B-2 allows more intense uses than O-3, some of which may not be appropriate on this site. If approved, this request should be specifically limited to allow a hotel, and the land use table on Sheet 2 of 4 must be revised to show only 'Hotel or Office' on Lot 7.
5. The change of zone application is only appropriate if the use permit amendment is also approved. A note should be added to the plan stating that the Planning Director will not administratively approve changes to the land use table to allow other commercial uses on the hotel site. The Planning Director reserves the right to both refer all such requests to the Planning Commission for public hearings, and to initiate a change of zone request back to O-3 if construction on the hotel has not started within three years of approval.
6. Shared parking has been proposed for the hotel and adjacent office uses. Such agreements with a reduction for non-concurrent use are allowed by the Zoning Ordinance, but must be authorized by a written agreement between the city and the parties involved.

7. The area of UP#144 covering the O-3 will be reduced if these requests are approved. In that event, an application for an administrative amendment to UP#144 must also be submitted to revise that plan accordingly.
8. The city trail system extends along the east side of Antelope Creek, and UP#144 showed a connection to the sidewalk along Pioneers Blvd which eventually intersects with it. The sidewalk system needs to be shown, and must identify the locations for the connections from the hotel through the parking lots to sidewalks along the adjacent streets.
9. An adjustment to the allowed height from 40' to 45' is being requested, where the height limit in the B-2 is 40', and 45' for offices. This will allow the hotel on this site to be built as high as adjacent office uses and is appropriate.
10. An adjustment to the rear setback from 50' to 30', where it is 40' in the O-3 and 50' in B-2. However, all yard setbacks were adjusted to 0' with UP#144, as all lots are surrounded by a common outlot and back onto the Antelope Creek floodplain. This request is consistent with UP#144 and is appropriate.

Prepared by:

Brian Will
Planner
May 23, 2005

**APPLICANT/
CONTACT:**

Don Day
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
402-474-6311

OWNER:

Pioneer Woods, LLC
300 North 44th Street Suite 100
Lincoln, NE 68301

**CHANGE OF ZONE NO. 05041
and
USE PERMIT NO. 130A**

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

June 8, 2005

Members present: Carlson, Carroll, Krieser, Larson, Pearson, Sunderman and Taylor; Esseks and Bills-Strand absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 05038; CHANGE OF ZONE NO. 05040; USE PERMIT NO. 05004; CHANGE OF ZONE NO. 05041; USE PERMIT NO. 130A; USE PERMIT NO. 123D; COUNTY SPECIAL PERMIT NO. 05026; COUNTY FINAL PLAT NO. 05053, ADAMS STREET ACREAGES; and WAIVER NO. 05005.**

Ex Parte Communications: None.

Item No. 1.2a, Change of Zone No. 05040; Item No. 1.2b, Use Permit No. 05004 and Item No. 1.6, County Final Plat No. 05053, were removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Taylor and carried 7-0: Carlson, Carroll, Krieser, Larson, Pearson, Sunderman and Taylor voting 'yes'; Esseks and Bills-Strand absent.

Note: This is final action on Waiver No. 05005, unless appealed to the City Council within 14 days.



2002 aerial

Change of Zone #05041 S. 70th & Pioneers Blvd

Zoning:

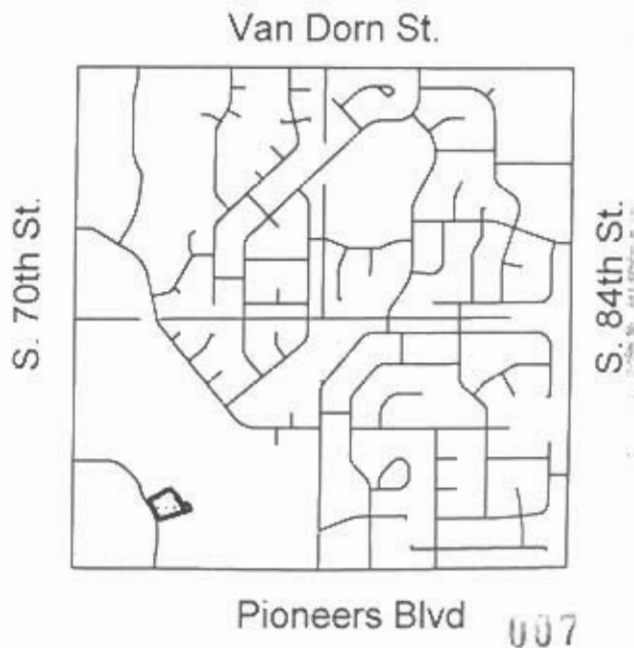
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 3 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



**LEGAL DESCRIPTION
CHANGE OF ZONE**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 7, AND A PORTION OF OUTLOT "A", PIONEER WOODS 4TH ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID OUTLOT "A", THENCE EAST ALONG A NORTH LINE OF SAID OUTLOT "A" ON AN ASSUMED BEARING OF NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 188.32 FEET TO A NORTH CORNER OF SAID OUTLOT "A", THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 3.95 FEET TO A NORTH CORNER OF SAID OUTLOT "A", THENCE NORTH 81 DEGREES 09 MINUTES 18 SECONDS EAST, A DISTANCE OF 183.52 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 67 DEGREES 47 MINUTES 43 SECONDS, A RADIUS OF 154.60 FEET, A ARC LENGTH OF 182.93 FEET, A CHORD BEARING OF SOUTH 64 DEGREES 56 MINUTES 51 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "A", AND A CHORD DISTANCE OF 172.44 FEET TO A NORTH CORNER OF SAID OUTLOT "A", THENCE SOUTH 50 DEGREES 53 MINUTES 25 SECONDS EAST ALONG A NORTHEAST LINE OF SAID OUTLOT "A", A DISTANCE OF 232.75 FEET TO A NORTHEAST CORNER OF SAID OUTLOT "A", SAID POINT BEING A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 99 DEGREES 30 MINUTES 41 SECONDS, A RADIUS OF 137.62 FEET, A ARC LENGTH OF 239.02 FEET, A CHORD BEARING OF SOUTH 41 DEGREES 28 MINUTES 53 SECONDS EAST ALONG A NORTHEAST LINE OF SAID OUTLOT "A", AND A CHORD DISTANCE OF 210.09 FEET TO **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING EASTERLY ALONG SAID CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 137.62 FEET, ARC LENGTH OF 46.12 FEET, DELTA ANGLE OF 19 DEGREES 11 MINUTES 59 SECONDS, A CHORD BEARING OF NORTH 79 DEGREES 09 MINUTES 47 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "A", AND A CHORD LENGTH OF 45.90 FEET TO A NORTH CORNER OF SAID OUTLOT "A", SAID POINT BEING A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 45 DEGREES 08 MINUTES 38 SECONDS, A RADIUS OF 184.20 FEET, A ARC LENGTH OF 145.13 FEET, A CHORD BEARING OF SOUTH 41 DEGREES 11 MINUTES 09 SECONDS EAST ALONG A NORTHEAST LINE OF SAID OUTLOT "A", AND A CHORD

DISTANCE OF 141.41 FEET TO A POINT OF TANGENCY, THENCE SOUTH 18 DEGREES 36 MINUTES 50 SECONDS EAST ALONG A EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 70.92 FEET TO A NORTH CORNER OF SAID OUTLOT "A", THENCE NORTH 67 DEGREES 20 MINUTES 06 SECONDS EAST ALONG A NORTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 36.72 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 124 DEGREES 20 MINUTES 45 SECONDS, A RADIUS OF 45.13 FEET, A ARC LENGTH OF 97.95 FEET, A CHORD BEARING OF SOUTH 50 DEGREES 29 MINUTES 31 SECONDS EAST ALONG A NORTHEAST LINE OF SAID OUTLOT "A", AND A CHORD DISTANCE OF 79.83 FEET TO A POINT, THENCE SOUTH 72 DEGREES 38 MINUTES 07 SECONDS WEST, A DISTANCE OF 345.92 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 23 DEGREES 21 MINUTES 46 SECONDS, A RADIUS OF 432.00 FEET, A ARC LENGTH OF 176.15 FEET, A CHORD BEARING OF NORTH 29 DEGREES 02 MINUTES 47 SECONDS WEST, AND A CHORD DISTANCE OF 174.93 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 08 DEGREES 53 MINUTES 25 SECONDS, A RADIUS OF 343.00 FEET, A ARC LENGTH OF 53.22 FEET, A CHORD BEARING OF NORTH 36 DEGREES 16 MINUTES 57 SECONDS WEST, AND A CHORD DISTANCE OF 53.17 FEET TO A POINT, THENCE NORTH 60 DEGREES 10 MINUTES 03 SECONDS EAST, A DISTANCE OF 219.29 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 75,248.54 SQUARE FEET OR 1.7275 ACRES, MORE OR LESS.

Monday, May 09, 2005

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MAY 12 2005

CITY/LANCASTER
PLANNING DEPARTMENT

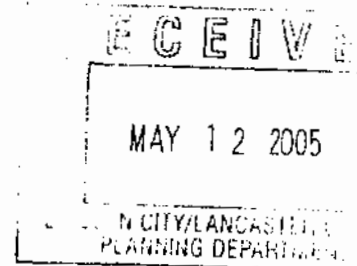


OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

May 12, 2005

Mr. Marvin S. Krout, Director
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Pioneer Woods
Amendment to Use Permit # 130 and Change Of Zone
OA Project No. 2005-0471



Dear Mr. Krout,

On behalf of Pioneer Woods LLC, Olsson Associates is requesting an "Amendment to the Use Permit" and a "Change of Zone" to add 1.72 acres to Pioneer Woods Use Permit #130 and change the zoning of that property to B-2. The parcel being added is currently located in Pioneer Woods 1st Addition Use Permit #144 and is Zoned O-3. For your reference, the subject lot is labeled Lot 7 on the site plan

We are requesting this Amendment and Change of Zone to locate an 85 room, 4 story, all-suites hotel on this site. The Hotel will replace 24,000 SF of Office Space that was originally approved on Use Permit #144. The PM Peak Hour Trips were compared between the two uses, using ITE Trip Generation numbers. The Hotel will generate slightly less peak PM trips than the office space it is replacing. A trip generation table is included with this submittal.

The Site Plan is showing shared parking between the Hotel and adjacent Office Building. These two buildings will be utilizing non-concurrent parking, since the Hotels main stall use is at night and the Office Buildings main stall use is during the day.

We are formally requesting 2 waivers. We are requesting a waiver to reduce of the required setback for the rear yard of Lot 7, from 50' to 30'. Lot 7 backs to a large heavily wooded drainage way. We are also requesting a waiver to increase the height restriction from 40' to 45'. The existing height restrictions for the surrounding buildings in the O-3 office area are 45' and this building will match that.

Enclosed please find the following:

1. Site Plan, Sheet 1; 21 copies
2. Site Plan Notes, Sheet 2; 21 Copies
3. City of Lincoln Zoning Application; "Use Permit; Amendment"
4. Change of Zone Exhibit
5. Filing fee for "Use Permit & Change of Zone"; \$1,480.00

010

Mr. Marvin S. Krout
May 12, 2005
Page 2

6. Certificate of Ownership
7. 8 1/2" x 11" Reduced Drawings of the Site Plans
8. ITE Trip Generation Table 1 Hotel VS General Office Comparison

Please give me a call if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'D-R Day', with a stylized flourish at the end.

Don R. Day, PE

cc Don Linscott
Jon Miller

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